

REMARKS

By this amendment, claims 47 and 63 have been canceled, and claims 45, 46 and 62 have been amended. Attached hereto is a marked up version of the changes made to the claims. This attachment is captioned, "Version with Markings To Show Changes Made".

Applicants have thoroughly considered the Examiner's remarks and present claims 45-46, 48-52, 57-62 and 64-65 for further examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the following remarks.

Rejections based on 35 U.S.C. § 102(e)

Claims 45, 46, 57, and 60-62 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,230,145 to Verderamo et al. Claims 45 and 62 are independent claims. Claims 46, 57, and 60-61 depend from claim 45. A claim is anticipated only if each and every element as set forth in the claim is disclosed, either expressly or inherently in a single prior art reference. *Verdegal Bros. v. Union Oil. Of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicants submit that each and every element as set forth in the recited claims is not found, either expressly or inherently in the Verderamo reference. Thus, the Verderamo reference does not anticipate the claims.

The Verderamo reference discloses a method whereby merchants are provided access to financial information associated with bank transactions. More specifically, merchants are provided access to bank card transaction data such as funding and chargeback information associated with a specific outlet or range of outlets belonging to the merchant. (Column 3, ln 5-8). In contrast, applicants have disclosed a system and method for providing user access over a data network to select billing records associated with one or more telecommunication accounts. (Application page 4, ln 16).

Amended claim 45 recites, in part, "displaying the individual billing records associated with the user's telecommunications account which satisfy the one or more parameters of the query received from the user". As acknowledged by the Examiner, "Verderamo does not teach the billing records are telecommunication billing records...." (See Office action at page 5). Thus, the Verderamo reference fails to teach every

element as set forth in amended claim 45, and the Examiner is respectfully requested to reconsider and withdraw the rejection of this claim based on this reference.

Amended claim 62 recites, in part, “storing billing records associated with the user's telecommunications account in a database, including new billing records for which an invoice has not yet been issued to the user.” Again, the Examiner acknowledges that Verderamo reference does not teach the billing records are telecommunication billing records. Thus, Verderamo fails to teach each and every element of amended claim 62, and the Examiner is respectfully requested to reconsider and withdraw the rejection of this claim based on this reference.

Furthermore, claim 45 also recites storing and displaying individual billing records for which an invoice has not yet been issued to the user. Likewise, claim 62 recites displaying new billing records for which an invoice has not yet been issued to the user. As explained below, none of the other art cited by the Examiner, whether considered singly or in combination with the Verderamo reference, teaches or suggests displaying billing records that include new billing records for which an invoice has not yet been issued to the user.

Claims 46, 57 and 60-61 depend from claim 45. Hence, these claims are allowable over the Verderamo reference for at least the same reason claim 45 is allowable over such art.

Moreover, the Examiner's rejection of claim 46 based on the view that the daily funding function is equivalent to accessing new billing records, is contrary to the definition of the daily funding function as set forth in the Verderamo reference. (See Office action at 3). The daily funding function is defined in the Verderamo references as “detail[ing] what was funded to all of the accounts of the merchant on a specific date”, and is displayed in response to a merchant selecting a date to view the daily funding information. (Column 3, ln 50-54). In contrast, claim 46 recites “providing the user access to new billing records for which an invoice has not yet been issued”. Thus, applicant's claim 46 does not require a user to select a specific date. Rather, the user can view transaction records and receive up to date cost and usage information for his or her account. (Application 33, ln 15-21).

Rejections based on 35 U.S.C. § 103(a) - Obviousness

Claims 47–49, 51, 58 and 63–65 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Verderamo, in view of U.S. patent 5,843,445 to Pickering. As discussed above, the Examiner acknowledges that the Verderamo reference does not teach the billing records are telecommunication billing records, but asserts that the deficiency is remedied because Pickering teaches that “the billing records are telecommunication records, web service, Internet service and pager service.” (Office action at 5). However, “a prior art reference must be considered in its entirety, including portions that would lead away from the claimed invention.” *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983). Applicants submit that the Pickering reference, when combined with the Verderamo reference as suggested by the Examiner, not only fails to teach or suggest all of the features of the applicant’s claims, but teaches away from the claimed invention. Thus, *prima facie* obviousness has not been established. See MPEP 2142 and 2143.

The Pickering reference discloses a method and apparatus whereby billing information from participating companies, or utilities, is consolidated and held in time suspense by a financial institution until all of the billing information is received. (Column 1, ln 61–64). In particular, Pickering discloses a method and apparatus where a company determines a customer’s charge for a particular billing cycle and reports this data to a financial firm. The customer will then receive billing information at the end of that particular company’s billing cycle and/or the end of the billing cycle of the financial firms used by that company.

In contrast, amended claim 45 recites, in part, a method for “storing individual billing records *for which an invoice has not yet been issued* to the user” and “displaying the *individual billing records* associated with the user’s telecommunications account...”. (Emphasis supplied). As disclosed in applicant’s patent application, individual billing records reflect individual telecommunication transaction such as when a long distance call is placed from a telephone in City X to a telephone in City Y. (Application page 22, ln 12–15). Although Fig. 7 of the Pickering reference indicates that a telephone account can be consolidated, when considered as a whole, it fails to teach or suggest accessing

individual billing records for which an invoice has not yet been issued to the user. Rather, Pickering teaches away from such access by stating “[the] data is retained in storage at central processing *until all* the billing information of the customer is received from the companies or utilities during the [financial firm’s] billing cycle, [at which time] the reported charges of the companies and utilities are processed and a single customer billing statement is generated for the customer”. (Emphasis supplied) (Column 7, ln 20-30). Thus, the combination of Verderamo and Pickering does not render claim 45 obvious.

Claim 62 recites, in part, a method for “displaying the stored billing records to the user over the data network, including displaying the new billing records for which an invoice has not yet been issued to the user”. For substantially the same reasons that the combination of the Verderamo and Pickering references fail to render claim 45 obvious, the combination also fails to teach or suggest displaying new billing records for which an invoice has not yet been issued to the user. Accordingly, the combination of Verderamo and Pickering does not render claim 62 obvious.

In view of the foregoing, applicants respectfully submits that the Pickering reference, in combination with the Verderamo reference, fails to teach or suggest applicants’ invention, as recited in amended claims 45 or 62. Indeed, the Pickering reference teaches away from accessing individual billing or accessing records prior to end of the billing cycle. Thus, one of ordinary skill in the art would not have found it obvious to modify the teachings of Pickering, or to combine the Pickering and Verderamo references, to create the applicants’ invention. Accordingly, applicants respectfully submit claims 45 and 62 are in condition for allowance.

Furthermore, claims 48-49, 51 and 58 are allowable as they depend from claim 45. Claims 64-65 are allowable as they depend from claim 62.

The Examiner also rejected claims 50 and 52 under 35 USC 103(a) as being unpatentable over Verderamo, in view of U.S. Patent 5,864,613 to Flood. The Examiner asserts that the combination of the Verderamo and Flood references renders claim 50 obvious because Flood teaches a long distance transaction event monitor. The Examiner further asserts that the combination renders claim 52 obvious because Flood also teaches disabling the telecommunications device when a user-specified criteria relating to billing

records is satisfied. As explained above, claim 45 is patentable over the combination of Pickering and Verderamo because the combination fails to teach or suggest displaying individual billing records for which an invoice has not yet been issued to the user. The fact the Flood may disclose a long distance transaction event monitor or disabling the telecommunications device when a user-specified criteria relating to billing records is satisfied does not render claim 45 obvious. Therefore, claim 45 is allowable over Flood. As such, claims 50 and 52, which depend from claim 45, are likewise allowable.

Claim 59 also stands rejected under 35 USC 103(a) as being unpatentable over Verderamo, in view of U.S. Patent 6,377,993 to Brandt. The Examiner asserts that the combination of the Verderamo and Brandt references render claim 59 obvious because Brandt teaches a GUI enabling the requesting, customizing, scheduling and viewing of various types of data reports pertaining to a customer's usage of telecommunication services. Nevertheless, the combination of the Verderamo and Brandt references fails to teach or suggest displaying individual billing records for which an invoice has not yet been issued to the user. The fact that Brandt may teach a GUI enabling the requesting, customizing, scheduling and viewing of various types of data reports pertaining to a customer's usage of telecommunication services does not render claim 45 obvious. Therefore, claim 45 is allowable over Brandt. As such, claim 59, which depends from claim 45, is likewise allowable.

SUMMARY & CONCLUDING REMARKS

In view of the above, applicants respectfully submit that claims 45-46, 48-52, 57-62 and 64-65 are allowable and that the subject application is now in condition for allowance.

The fact that applicants have not specifically traversed any particular assertion by the Patent Office should not be construed as indicating applicants' agreement therewith.

Any required fees or overpayments should be applied to Deposit Account No. 19-1345.

Respectfully submitted,



Robert M. Bain, Reg. No. 36,736
SENNIGER, POWERS, LEAVITT &
ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE CLAIMS:**

Claims 45 and 62 have been amended as follows:

45. (twice amended) A method for providing a user access over a data network to select billing records associated with a[n] telecommunications account of the user, the method comprising:

storing billing records associated with the user's telecommunications account in a data base, wherein said stored billing records include new billing records for which an invoice has not yet been issued to the user;

receiving a query containing one or more parameters from the user over the data network, the query seeking which of the billing records associated with the user's telecommunications account satisfy the one or more parameters of the query;

searching the data base for individual billing records associated with the user's telecommunications account which satisfy the one or more parameters of the query received from the user; and

displaying results of the searching to the user over the data network, including displaying the individual billing records associated with the user's telecommunications account which satisfy the one or more parameters of the query received from the user.

46. (twice amended) The method of claim 45 wherein storing includes storing new billing records associated with the user's telecommunication account in the data base, and providing the user access over the data network to the new billing records stored in the data base, before a bill corresponding to said new billing records is issued to the user.

62. (amended) A method for providing a user access over a data network to billing records associated with a[n] telecommunications account of the user, the method comprising:

storing billing records associated with the user's telecommunications account in a data base, wherein said stored billing records include new billing records for which an invoice has not yet been issued to the user;

receiving a request from the user over the data network to view the stored billing records; and

displaying the stored billing records to the user over the data network, including displaying the new billing records for which an invoice has not yet been issued to the user.

67

Claims 47 and *67* have been canceled.